

CLOSED, MDL. TRANSF

U.S. District Court
Eastern District of Kentucky (Pikeville)
CIVIL DOCKET FOR CASE #: 7:07-cv-00222-ART
Internal Use Only

Commonwealth of Kentucky et al v. Purdue Pharma, L.P. et al
Assigned to: Judge Amul R. Thapar
Case in other court: Pike Circuit Court, 07-CI-1303
Cause: 28:1441 Petition for Removal- Fraud

Date Filed: 10/29/2007
Date Terminated: 04/10/2008
Jury Demand: Both
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Federal Question

Plaintiff**Commonwealth of Kentucky***ex rel:*

Gregory D. Stumbo

represented by **C. David Johnstone**
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Plaintiff

Pike County

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V.

Defendant

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Defendant

Purdue Pharma, Inc.

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LEAD ATTORNEY
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John M. Famularo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Purdue Pharma Frederick Company, Inc.,
The
doing business as
Purdue Frederick Company, The

represented by **Daniel E. Danford**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John M. Famularo
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Defendant

Purdue Pharmaceuticals, L.P.

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ATTORNEY TO BE NOTICED

Defendant**P. F. Laboratories, Inc.**

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John M. Famularo
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Defendant**Ahbot Lahoratories**

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Date Filed	#	Docket Text
10/29/2007	31	NOTICE OF REMOVAL from Pike Circuit Court, case number 07-CI-1303. (Filing fee \$350; receipt number 1058417). filed by dfts. Purdue Pharma Frderick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc.. (Attachments: # 1 Exhibit A-I Docs served on Purdue# 2 Exhibit A-II Purdue Documents Pg 1-40# 3 Exhibit A-II Purdue Documents Pgs 41-50# 4 Exhibit A-III Docs from Purdue# 5 Exhibit A-IV Docs received by Purdue# 6 Exhibit B - Declaration of David E. Long# 7 Exhibit C-I Circuit Clerk's Records# 8 Exhibit C-II - Records from Clerk# 9 Exhibit C-III - Clerk's Records# 10 Exhibit C-IV Pike Clerk's Records# 11 Exhibit C-V Records from Clerk# 12 Exhibit C-VI Pike CC Records Pgs 1-56# 13 Exhibit C-VI Pike CC Records Pgs 57-61# 14 Exhibit C-VII - Records from Clerk# 15 Exhibit C-VIII- Pike Co Clerk's Records# 16 Exhibit D - State Court Notice of Removal# 17 Civil Cover Sheet# 18 Case Assignment Sheet)(MCB) (Entered: 10/30/2007)
10/29/2007	32	FIRST AMENDED COMPLAINT against Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Abbott Laboratories, Abbott Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc., filed by Plas Commonwealth of Kentucky, Pike County (Filed in Pike Circuit Court)(MCB) (Entered: 10/30/2007)
10/29/2007	32	CONSENT TO REMOVAL re 1 Notice of Removal filed by dfts. Abbott Laboratories, Abbott Laboratories, Inc.. (MCB) (Entered: 10/30/2007)
10/29/2007	33	ANSWER to FIRST Amended Complaint by dfts. Abbott Laboratories, Abbott Laboratories, Inc.. (Entered: 10/30/2007)
10/29/2007	34	ANSWER to First Amended Complaint by dft Purdue Pharma Frederick Company, Inc., The.(MCB) (Entered: 10/30/2007)
10/29/2007		ANSWER to First Amended Complaint by dft. Purdue Pharma, Inc..(MCB) (Entered:

	35	10/30/2007)
10/29/2007	36	ANSWER to First Amended Complaint by dft. P. F. Laboratories, Inc..(MCB) (Entered: 10/30/2007)
10/29/2007	37	ANSWER to First Amended Complaint by dft. Purdue Pharmaceuticals, L.P..(MCB) (Entered: 10/30/2007)
10/29/2007	38	ANSWER to First Amended Complaint by dft. Purdue Pharma, L.P..(MCB) (Entered: 10/30/2007)
10/30/2007	39	Conflict Check run. (MCB) (Entered: 10/30/2007)
10/30/2007	39	NOTICE OF FILING by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purduc Pharma, L.P., Purdue Pharma, Inc. re 1 Notice of Removal.... <i>Documents to Supplement Ex A to Notice of Removal</i> (Attachments: # 1 Exhibit Ex A to Notice of Removal)(Famularo, John) (Entered: 10/30/2007)
10/30/2007	39	NOTICE by Purdue Pharma Frederick Company, Inc., The, Purduc Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. <i>Notice of Amendment of Service Certificates</i> (Famularo, John) (Entered: 10/30/2007)
10/30/2007	39	FRCP 7.1 DISCLOSURE STATEMENT by Abbott Laboratories, Abbott Laboratories, Inc.. (Pope, Susan) (Entered: 10/30/2007)
10/31/2007	39	NOTICE OF DEFICIENCY RE: FAILURE TO FILE FRCP 7.1 DISCLOSURES to counsel of record, HON. JOHN M. FAMULARO. Answers to Amended Complaint 4 , 5 , 6 , 7 & 8 has been filed by Purdue Pharma, L.P.: Purdue Pharma, Inc.; The Purdue Pharma Frederick Company, Inc.; Purdue Pharmaceuticals, L.P.; and P. F. Laboratories, Inc., without the required Rule 7.1 Disclosure statement. Rule 7.1 Disclosures must be filed within ten (10) days. Failure to file the Disclosure Statement will cause the case to be submitted to the presiding judge for further action. cc: COR (TDA) (Entered: 10/31/2007)
11/01/2007	39	FRCP 7.1 DISCLOSURE STATEMENT by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purduc Pharma, L.P., Purdue Pharma, Inc.. (Famularo, John) (Entered: 11/01/2007)
11/01/2007	39	MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purduc Pharma, L.P., Purdue Pharma, Inc. <i>To Transfer Action to Southern District of New York</i> (Attachments: # 1 Memorandum in Support # 2 Exhibit 1 Affidavit of John M. Famularo# 3 Exhibit 2 Co of Suffolk NY v Purdue Complaint# 4 Exhibit 3 Louisiana Health Service v Purdue Complaint# 5 Exhibit 4 Complaint United Fed Teachers vs Purdue# 6 Exhibit 5 Whittle vs. Purdue Comp# 7 Exhibit 6 Local 1199 NBF v Purdue Comp# 8 Exhibit 7 City of New York v Purdue Comp# 9 Exhibit 8 Complaint New Mexico UFCWU v Purdue# 10 Exhibit 9 American Federation v Purdue Complaint# 11 Exhibit 10 Order Americau Federation v Purduc# 12 Exhibit 11 Civil Cover Sheet New Mexico UFCWU v Purdue# 13 Exhibit 12 Docket Report New Mexico UFCWU v Purdue# 14 Exhibit 13 Chart of Cases in Antitrust MDL# 15 Proposed Order)(Famularo, John) (Entered: 11/01/2007)
11/09/2007	39	NOTICE by Abbott Laboratories, Abbott Laboratories, Inc. re 14 MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purduc Pharma, L.P., Purdue Pharma, Inc. <i>Consent to Transfer This Action to the Southern District of New York</i> (Pope, Susan) (Entered: 11/09/2007)
11/09/2007	39	***FILE SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 15 Notice of Consent to Transfer This Action to the Southern District of New York. by Abbott Laboratories, Abbott Laboratories, Inc. (TDA) (Entered: 11/09/2007)
11/19/2007	39	RESPONSE in Opposition re 14 MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purduc Pharma, L.P., Purdue Pharma, Inc. <i>to transfer to Southern District of New York</i> filed by

		Commonwealth of Kentucky, Pike County. (Attachments: # 1 Exhibit A - Consent Judgment)(Johnstone, C.) Modified text on 11/20/2007 to add filer (Adkins, Tara). (Entered: 11/19/2007)
11/20/2007	3	NOTICE OF DOCKET MODIFICATION TO HON. C. DAVID JOHNSTONE re 16 Response in Opposition to Motion: Error: attorney failed to choose all filers; Clerk has added Pike County Kentucky as a filer to the document. In the future, attorney should hold the ctrl key on the keyboard and click on each party filing the pleading. No further action required by counsel. cc: COR (TDA) (Entered: 11/20/2007)
11/20/2007	3	CLERK'S NOTE: Clerk received a courtesy copy of an MDL Pleading, Docket No. 1603, styled "IN RE: OXYCONTIN ANTITRUST LITIGATION," from the Hon. Timothy C. Hester. Due to this not being a pleading styled for our Court, this was not filed in our official record. Clerk has forwarded said courtesy copy to the Judge's Chambers. (TDA) (Entered: 11/21/2007)
11/28/2007	3 17	MOTION to Remand by Commonwealth of Kentucky, Pike County (Attachments: # 1 Tendered Remand Order, # 2 Memorandum in Support of Motion to Remand, # 3 Exhibit A - West Virginia Remand Opinion)(Johnstone, C.) (Entered: 11/28/2007)
11/28/2007	3 18	INTERIM MOTION for Hearing re 14 MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc., 17 MOTION to Remand by Commonwealth of Kentucky, Pike County by Commonwealth of Kentucky, Pike County (Attachments: # 1 tendered Order Scheduling Oral Arguments)(Johnstone, C.) (Entered: 11/28/2007)
11/28/2007	3 19	MOTION for Attorney Fees by Commonwealth of Kentucky, Pike County (Attachments: # 1 Tendered Order Awarding Attorneys Fees and Costs)(Johnstone, C.) (Entered: 11/28/2007)
11/29/2007	3 20	MEMORANDUM in Support of Motion re 19 MOTION for Attorney Fees by Commonwealth of Kentucky, Pike County filed by Commonwealth of Kentucky, Pike County. (Johnstone, C.) (Entered: 11/29/2007)
12/03/2007	3 21	Proposed Agreed Order/Stipulation for <i>ext time to file Reply to Response to Transfer Motion</i> by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc., (Famularo, John) (Entered: 12/03/2007)
12/04/2007	3	***FILE SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 21 Proposed Agreed Order/Stipulation. (TDA) (Entered: 12/04/2007)
12/05/2007	3 22	REPLY BRIEF re 14 <i>Further Support Defendants' Motion to Transfer</i> filed by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Abbott Laboratories, Abbott Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc., (Attachments: # 1 Exhibit A - Affidavit of John M. Famularo, # 2 Exhibit 1 to Famularo Affidavit, # 3 Exhibit 2 to Famularo Affidavit, # 4 Exhibit 3 to Famularo Affidavit, # 5 Exhibit B - Hearing Transcript, # 6 In re Republic Western Insurance Co. Insurance Coverage Litigation, 2002 U.S. Dist. LEXIS 11190, # 7 Gould v Nat'l Life Ins. Co., 1998 U.S. Dist. LEXIS 320, # 8 Galvan v Fed. Prison Indust., Inc., 1999 U.S. App. LEXIS 33135, # 9 Stewart v May Dep't Store Co., 2002 U.S. Dist. LEXIS 24249, # 10 Nelson v First Lenders Indem. Co., 1998 U.S. Dist. LEXIS 10794, # 11 Schouman v Schouman, 1996 U.S. Dist. LEXIS 20043, # 12 Barnes v Resolution Trust Corp., 1992 U.S. Dist. LEXIS 599, # 13 Allison v Allstate Ins. Co., 1997 WL 31175, # 14 Burse v Purdue Pharma Co., 2004 WL 1125055, # 15 Friedman v Purdue Pharma Co., 2004 WL 1376383, # 16 BancOhio Corp. v Fox, 1975 U.S. App. LEXIS 14769, # 17 Pittock v Otis Elevator Co., 1993 U.S. App. LEXIS 28309, # 18 Martin v Stokes, 1980 U.S. App. LEXIS 16483, # 19 D.C. Micro Dev'l., Inc. v Lange, 2003 U.S. Dist. LEXIS 1624, # 20 Farkas v. Bridgestone/Firestone, Inc., 2000 U.S. Dist. LEXIS 14136, # 21 Collett v. Freid, 2004 WL 3103776)(Famularo, John) Modified on 12/6/2007 to create link (Adkins, Tara). (Entered: 12/05/2007)
12/06/2007	3	NOTICE RE: DOCUMENT CONVERSION REQUIREMENT & DOCKET MODIFICATION TO HON. JOHN FAMULARO re 22 REPLY BRIEF; Entry by

		Attorney: Error #1: the pleading was scanned instead of converted into PDF format directly from the native word application. Use a scanner ONLY if you cannot electronically prepare your documents with a word processing software package and convert them to PDF format. Error #2: attorney failed to create a link to the related document. Clerk has modified text to create the link to Motion 14 : In the future, attorney is advised to create a link to the related document. No further action required by counsel. cc: COR (TDA) (Entered: 12/06/2007)
12/06/2007	3	***MOTION SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 14 MOTION for Order To Transfer Action to Southern District of New York by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. (TDA) (Entered: 12/06/2007)
12/13/2007	3 ₂₃	AGREED ORDER: Purdue shall have until 12/5/07, to file its Reply to Plas Response to Motion for Transfer 14 . Signed by Gregory F. Van Tatenhove on 12/13/07.(TDA)cc: COR (Entered: 12/14/2007)
12/14/2007	3 ₂₄	NOTICE OF MANDATORY ECF DIRECTED TO HON. GREGORY STUMBO, a non-registered attorney re 23 Agreed Order, had to be MAILED TO a non-registered attorney, which is in direct violation of this court's General Orders re: Mandatory ECF. <i>Failure to comply will result in this matter being submitted to the Chief Judge.</i> cc: COR (TDA) (Entered: 12/14/2007)
12/17/2007	3 ₂₅	RESPONSE in Opposition re 19 MOTION for Attorney Fees by Commonwealth of Kentucky, Pike County filed by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Abbott Laboratories, Abbott Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc.. (Attachments: # 1 Proposed Order)(Famularo, John) (Entered: 12/17/2007)
12/17/2007	3 ₂₆	RESPONSE in Opposition re 17 MOTION to Remand by Commonwealth of Kentucky, Pike County filed by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Abbott Laboratories, Abbott Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc.. (Attachments: # 1 Exhibit A - Pretrial Order and Memorandum from U.S. Southern District of New York, # 2 Proposed Order)(Famularo, John) (Entered: 12/17/2007)
12/18/2007	3	***MOTION SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 18 INTERIM MOTION for Hearing re 14 MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc., 17 MOTION to Remand by Commonwealth of Kentucky, Pike. (TDA) (Entered: 12/18/2007)
12/28/2007	3 ₂₇	REPLY to Response to Motion re 17 MOTION to Remand by Commonwealth of Kentucky, Pike County filed by Commonwealth of Kentucky, Pike County. (Johnstone, C.) (Entered: 12/28/2007)
01/02/2008	3	NOTICE OF DEFICIENCY TO HON. C. DAVID JOHNSTONE & HON. PAULA J. HOLBROOK re 27 Reply to Response to Motion; Signature on document and filer do not match; Entry by attorney; the name of the Filing User under whose login and password the document is submitted must be typed in the space where the signature would otherwise appear. No further action required by counsel. cc: COR(TDA) (Entered: 01/02/2008)
01/02/2008	3	***MOTION SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 17 MOTION to Remand by Commonwealth of Kentucky, Pike County. (TDA) (Entered: 01/02/2008)
01/04/2008	3	***MOTION SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 19 MOTION for Attorney Fees by Commonwealth of Kentucky, Pike County (TDA) (Entered: 01/04/2008)
01/04/2008	3 ₂₈	NOTICE by Commonwealth of Kentucky, Pike County re 14 MOTION for Order by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. <i>Re Status of JPM</i> 28

		U.S.C. Sec. 1407 Transfer Proceedings (Attachments: # 1 Exhibit JPML Conditional Transfer Order No. 4, # 2 Exhibit JPML Notice Re Briefing Schedule)(Johnstone, C.) (Entered: 01/04/2008)
01/04/2008	30	***FILE SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 28 Notice Re Status of JPML 28 U.S.C. Sec. 1407 Transfer Proceedings. (TDA) (Entered: 01/04/2008)
01/04/2008	31	RESPONSE to 24 Clerk's Notice of Mandatory ECF filed by Commonwealth of Kentucky. (Johnstone, C.) (Entered: 01/04/2008)
01/07/2008	32	***FILE SUBMITTED TO CHAMBERS of Judge Van Tatenhove for review: 29 RESPONSE to 24 Clerk's Notice of Mandatory ECF - requesting to remove Hon. Gregory Stumbo from the distribution list. (TDA) (Entered: 01/07/2008)
01/18/2008	33	COPY OF ORDER: Upon Courts own mtn, and in accordance with General Order No. 08-04, dated 1/7/08, ORDERED that the cases on the attached list are assigned to Honorable Amul R. Thapar, Judge, USDC for EDKY. The Clerk of Court is directed to docket a copy of this Order and the attached list of cases in each affected case, and forward same to counsel of record in each affected case. Signed by Gregory F. Van Tatenhove on 1/18/08. (MCB)cc: COR (Entered: 01/18/2008)
01/18/2008	34	MOTION for Leave by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. To File Surreply In Opp to Pl Mtn Remand (Attachments: # 1 Memorandum in Support Surreply in Opposition to Remand Mtn, # 2 Exhibit A - Rezulin Products Litigation Rept and Recommendations, # 3 Proposed Order)(Famularo, John) (Entered: 01/18/2008)
01/30/2008	35	RESPONSE in Opposition re 31 MOTION for Leave by Purdue Pharma Frederick Company, Inc., The, Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. To File Surreply In Opp to Pl Mtn Remand filed by Commonwealth of Kentucky, Pike County. (Attachments: # 1 Proposed Order)(Sears, Bradley) (Entered: 01/30/2008)
02/20/2008	36	***MOTION SUBMITTED TO CHAMBERS of Judge Thapar for review: 31 MOTION for Leave To File Surreply In Opp to Pl Mtn Remand by Purdue Pharma Frederick Company, Inc., Purdue Pharmaceuticals, L.P., P. F. Laboratories, Inc., Purdue Pharma, L.P., Purdue Pharma, Inc. (TDA) (Entered: 02/20/2008)
04/04/2008	37	TRANSFER ORDER (Information Copy) from Clerk of U.S. Judicial Panel on Multidistrict Litigation. (received electronically) (TDA) (Entered: 04/04/2008)
04/10/2008	38	CONDITIONAL TRANSFER ORDER: action transferred to the Southern District of New York re MDL No. 1603. Signed by John G. Heyburn, II. Case Transfer to the MDL Panel. (Attachments: # 1 Cover Letter)(TDA)cc: COR (Entered: 04/11/2008)
04/14/2008	39	Clerk's Note: JPMDL information extracted and electronically transmitted to AO re 34 Case Transferred to MDL. (SKV) (Entered: 04/14/2008)

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